

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP Case Manager
 Joel Lawson, Associate Director Development Review
DATE: May 21, 2013
SUBJECT: BZA Case 18555, 3343 Prospect Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following:

- § 2003, Changing Uses within Structures.

Subject to the following condition:

1. The hours of operation shall be 7:00 a.m. to 9:30 p.m., Monday through Friday, and 9:00 a.m. to 9:30 p.m., Saturdays and Sundays.

LOCATION AND SITE DESCRIPTION

Address	3343 Prospect Street, N.W.
Legal Description	Square 1220, Lot 30
Ward	2
Lot Characteristics	Rectangular corner lot with no alley access
Zoning	R-3– row houses
Existing Development	One-story commercial building divided into five retail spaces
Historic District	Georgetown
Adjacent Properties	Two and three story row houses, small and medium apartment houses
Surrounding Neighborhood Character	Moderate density residential

II. APPLICATION IN BRIEF

The application proposes the conversion of three existing retail spaces, totaling 2,381 square feet, to a space to be used for a yoga studio, with the accessory sale of yoga apparel and yoga accessories. Two of the spaces are currently vacant and were last used as “office space” and “office and display of interior decorating.” The third space, located between the two, is currently in use as a hair salon. The applicant informed OP that the two vacant spaces have been so for less than three years.

No building construction is proposed.

III. OFFICE OF PLANNING ANALYSIS

a. Special Exception Relief pursuant to § 2003, Changing Uses within Structures

2003.1 If approved by the Board of Zoning Adjustment, as authorized in §§ 3103 and 3104 for variances and special exceptions, a nonconforming use may be changed to a use that is permitted as a matter of right in the most restrictive district in which the existing nonconforming use is permitted as a matter of right, subject to the conditions set forth in this section.

Office use and hair salons are first permitted within the zoning regulations within the C-1 district, and interior design is first permitted within the C-2. A yoga studio, or “group instruction center or studio” is first permitted within the C-1 under § 701.1(j). Uses clearly incidental to a permitted use, in this case the sale of yoga apparel and yoga accessories, are permitted within the C-1 pursuant to § 701.5 of the Zoning Regulations.

2003.2 The proposed use shall not adversely affect the present character or future development of the surrounding area in accordance with this title. The surrounding area shall be deemed to encompass the existing uses and structures within at least three hundred feet (300 ft.) in all directions from the nonconforming use.

The surrounding area includes a mixture of residential, commercial and institutional uses. The proposed uses would allow for the continuation of commercial use within a commercial structure designed to cater to the local community.

2003.3 The proposed use shall not create any deleterious external effects, including but not limited to noise, traffic, parking and loading considerations, illumination, vibration, odor, and design and siting effects.

The proposed uses are anticipated to cater to the surrounding neighborhood, minimizing the amount of vehicular traffic generated to the site as most patrons would be expected to walk to the site. The proposed uses would take place entirely indoors only. All refuse would be stored inside, and placed outside on collection day only, similar to the existing situation.

2003.4 When an existing nonconforming use has been changed to a conforming or more restrictive use, it shall not be changed back to a nonconforming use or less restrictive use.

The applicant understands that the space previously occupied by the interior design use shall not be converted back to a C-2 use.

2003.5 *In Residence Districts, the proposed use shall be either a dwelling, flat, apartment house, or a neighborhood facility.*

The proposed yoga studio, yoga accessories and yoga apparel uses would constitute a neighborhood facility designed to cater primarily to residents of the surrounding neighborhood.

2003.6 *For the purpose of this section, the districts established by this title are listed in the following order of decreased use restriction:*

- (a) *W-0, R-1-A, R-1-B, R-2, R-3, R-5-A, R-4, R-5-B, R-5-C, R-5-D, and R-5-E;*
- (b) *SP-1 and SP-2;*
- (c) *C-1, C-2-A, C-2-B, C-2-C, C-3-A, C-3-B, C-3-C, C-4, and C-5 (PAD);*
- (d) *W-1, W-2, and W-3;*
- (e) *CR; and*
- (f) *C-M-1, C-M-2, C-M-3, and M.*

Yoga studio and the accessory sale of yoga apparel and yoga accessories are uses first permitted within the C-1 district, the same as for office use and a hair salon. Interior design is first permitted in the C-2. Therefore, the application proposes converting the uses of the spaces from the C-1 and C-2 to C-1 only.

2003.7 *The Board may require the provision of or direct changes, modifications, or amendments to any design, plan, screening, landscaping, type of lighting, nature of any sign, pedestrian or vehicular access, parking and loading, hours of operation, or any other restriction or safeguard it deems necessary to protect the value, utilization, or enjoyment of property in the neighborhood.*

The ANC recommended that the hours of operation be limited to 7:00 a.m. to 9:30 p.m., Monday through Friday, and 9:00 a.m. to 9:30 p.m., Saturdays and Sundays. The applicant is in agreement with these hours.

b. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposed uses are first permitted in either the same zone district or a more restrictive zone than the existing or most recent uses, bringing the use of the site closer to conformance with the Zoning Regulations and the zoning of the property.

c. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposed uses would not tend to affect adversely the use of neighboring property. The proposed uses would occupy a building designed and used for commercial uses since at least in 1955. The changes in use would continue the commercial use of three of retail spaces within a commercial building that would primarily serve the local community, minimizing the amount of traffic generated to the site. No food would be served and refuse would continue to be stored within the building and placed outside for collection only.

IV. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

V. COMMUNITY COMMENTS

ANC 2E, at its regularly scheduled public meeting on April 29, 2013, voted to support the application.

Attachment: Location Map

